



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 5**

**230 SOUTH DEARBORN ST.**

**CHICAGO, ILLINOIS 60604**

REPLY TO THE ATTENTION OF:

02 MAY 1989

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

US EPA RECORDS CENTER REGION 5



472455

Mr. Harold C. Meissner  
President  
Andersen Corporation  
100 4th Avenue North  
Bayport, Minnesota 55003

RE: Request for Information Pursuant to Section 104 (e) of  
CERCLA concerning Envirochem, Zionsville, Indiana

Dear Mr. Meissner:

The United States Environmental Protection Agency (EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the Envirochem (hereinafter referred to as "the Site") in Zionsville, Indiana. This investigation requires inquiry into the identification, nature, and quantity of materials that have been or are generated, treated, stored or disposed of at, or transported to, the Site and the nature or extent of release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site. EPA also is seeking information relating to the ability of a person to pay for or to perform a cleanup of the Site.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9604, as amended, you are hereby requested to respond to the Information Request set forth in Attachment A, attached hereto.

Compliance with the Information Request set forth in Attachment A is mandatory. Failure to respond fully and truthfully to the Information Request within thirty (30) days of receipt of this letter, or adequately to justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended. This statute permits EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001 or Section 3008(d) of RCRA.

U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq.

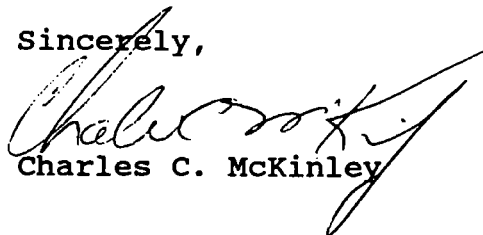
Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency  
Charles C. McKinley  
Office of Regional Counsel  
230 S. Dearborn Street  
Chicago, Illinois 60604  
5CS-TUB-3

Due to the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Please direct any questions to Charles C. McKinley of the Office of Regional Counsel at (312) 886-4247.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles C. McKinley", written over the printed name.

Charles C. McKinley

Attachment

ATTACHMENT "A"

ENVIRO-CHEM

FIRST INFORMATION REQUEST

Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, as amended by SARA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. 6927(b), and 40 C.F.R. 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", or "proprietary" or "company confidential". Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in statutes and regulations set forth above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

## Definitions

The following definitions shall apply to the following words as they appear in this Attachment A:

1. The term "you" or "Repondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns and agents.

2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.

3. The terms "the Site" or "the facility" shall mean the Environmental Conservation and Chemical Corporation, also referred to as "Envirochem" and "ECC" which is located on property owned by John and Patricia Bankert near Zionsville, Indiana.

4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such hazardous substances with any other substances, including petroleum products.

5. The term "pollutant or contaminant", shall have the same definition as that contained in Section 101(33) of CERCLA and includes any mixtures of such pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.

6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.

7. The term "solid waste" shall have the same definition as as that contained in Section 1004(27) of RCRA.



8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.

9. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, hazardous wastes, as defined above.

10. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.

11. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known home address and home telephone number, and present or last known job title, position or business.

12. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.

13. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.

14. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. Section 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

15. The terms "document" or "documents" shall mean any object that records , stores or presents information and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, letter, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

16. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

17. The term "arrangement" means every separate contract or other agreement between two or more persons.

18. The terms "transaction" or "transact" mean any sale, transfer, giving, delivery, change in ownership, or change in possession.

19. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

20. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300 or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

## Questions

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify all documents consulted, examined or referred to in the preparation of the answer or that contain information responsive to the Question and provide true and accurate copies of all such documents.
4. List the EPA RCRA Identification Numbers of the Respondent, if any, and identify the corresponding units, facilities or vessels assigned these numbers.
5. Identify all persons, including Respondent's employees, who have knowledge, information or documents about the generation, use, purchase, treatment, storage, disposal or other handling of materials at or transportation of materials to the Site.
6. Describe all arrangements that Respondent may have had with each of the following persons:
  - a. Environmental Conservation and Chemical Corporation;
  - b. Envirochem, Inc.;
  - c. Jones Chemical;
  - d. John Bankert.
7. Identify all persons, including you, who may have:
  - a. disposed of or treated materials at the Site;
  - b. arranged for the disposal or treatment of materials at the Site; or
  - c. arranged for the transportation of materials to the Site (either directly or through transshipment points) for disposal or treatment. Such persons will hereinafter be referred to as "generators".



8. For each and every instance in which a generator performed any of the actions specified in parts a.- c. of the previous question:

- a. Identify the generator;
- b. Identify the persons with whom the generator made such arrangements.
- c. Identify all persons who may have directly or indirectly transported or otherwise brought any materials to the Site.
- d. State every date on which each Generator made such arrangements.
- e. Describe the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous materials involved in each such arrangement.
- f. State whether any of the hazardous materials identified in subpart e. above exhibit any of the characteristics of a hazardous waste identified in 40 C.F.R. Section 261 Subpart C.
- g. State whether any of the hazardous materials identified in subpart e. are listed in 40 C.F.R. Section 261 Subpart D.
- h. In general terms, describe the nature and quantity of the non-hazardous materials involved in each such arrangement.
- i. Identify the owner of the hazardous materials involved in each such arrangement.
- j. Describe all tests, analyses, analytical results or manifests concerning each hazardous material involved in such transactions.
- k. Describe as precisely as possible any and all of the locations at which each hazardous material involved in such transactions actually was disposed or treated.
- l. Identify the persons who selected the location to which the hazardous materials were to be disposed or treated.
- m. Identify who selected the Site as the location at which hazardous materials were to be disposed or treated.

n. State the amount paid in connection with each such arrangement, the method of payment, and the identity of the persons involved in each arrangement.

o. Describe where the persons identified in subparts j. and k. of this Question intended to have the hazardous materials involved in each arrangement treated or disposed and all documents or other information (written or oral) evidencing their intent.

p. Describe all intermediate sites to which the hazardous materials involved in each arrangement were trans-shipped, or at which they were stored or held, any time prior to the final treatment or disposal.

q. Describe what was done to the hazardous materials once they were brought to the Site.

r. Describe the final disposition of each of the hazardous material involved in each arrangement.

s. Describe type, condition and number of containers in which the hazardous materials were contained when they were disposed, treated or transported for disposal or treatment and describe any labels, numbers or other markings on the containers.

9. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

10. For each and every Question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.